

Appln. No. 09/932,815

Attorney Docket No. 10541-607

III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

By this paper, applicants are amending claims 7 and 14. After entering this amendment, claims 7-17 are pending.

Objections to the Specification

The Examiner objected to the title of the invention as being non-descriptive. The title has been amended to read: A PLASTICS MOLDED PARTWITH A SOFT-FEEL SURFACE. Applicants respectfully assert that the Examiner's objection should be withdrawn.

Oath/Declaration

The Examiner stated that the oath/declaration is not in compliance with 37 CFR 1.67(a) because the full name of each inventor (family name and at least one given name together with any initial) has not been set forth. In response, Applicants submit an unexecuted oath/declaration including the inventors' full names. As of the filing of this paper, Applicants have forwarded and requested that the inventors sign this oath/declaration, but have not yet received such document(s). Applicants will submit an executed oath/declaration including inventors' full names as soon as it is received from the inventors.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 7-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner rejected Claims 7 and 14 for use of the term "including" rather than "comprising". Claims 7 and 14 have been amended throughout to adopt the Examiner's suggestion of using the term "comprising". Therefore, Applicants respectfully assert that the Examiner's rejection should be withdrawn.

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Further Claim Clarifications

Prior to discussing the cited references, it is believed that a brief discussion of the current form of the claims of this application is warranted. Independent claim 1 has been amended to clarify, more particularly to point out and distinctly claim that which applicants regard as the subject matter of the present invention. Claim 7 has been amended to recite that the "first distance *is at least as great as* the second distance" in order to clarify the relationship between the uncompressed section and the outer surface of the rim. No new matter has been added.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 7-17 under 35 U.S.C. § 103(a) as being unpatentable over *Ito et al.* Applicants respectfully traverse this rejection.

With respect to claim 7, the Examiner stated that *Ito et al.* inherently discloses that the outer surface of the foam layer 162 is greater or substantially flush with the outer surface of the rim 151. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill". MPEP § 2112; *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). The Examiner fails to describe why in *Ito et al.* the foam layer 162 would be expected to be greater or substantially flush with the outer surface of the rim 151. To the contrary, Figures 7 and 10 explicitly show that the outer surface of the foam layer 162 is substantially less than the outer surface of the U-shaped end portion 151. An assertion of inferring cannot stand when the reference itself is explicitly contrary to the alleged inherency. Therefore, Applicants respectfully assert that claim 7 is not inherently disclosed by *Ito et al.*

The Examiner also states that it would be an obvious optimization to one of ordinary skill in the art to obtain a soft feel cover for the top portion of the U-shaped end portion 151. However, the Examiner offers no suggestion or motivation to modify the *Ito et al.* reference as claimed in claim 7. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. MPEP § 2143.01. *Ito et al.* does not provide any motivation or suggestion to cover the top portion of the U-shaped end portion 151 with a soft feel surface. Rather, *Ito et al.* merely states that the gap 154 is substantially filled, so that the surface layer 161 of the sheet 61 is held in intimate contact with the inner surface of the U-shaped portion of the substrate. (*Ito et al.* col. 5, lines 5-10). Therefore, *Ito et al.* fails to provide a suggestion or motivation to modify the disclosure as recited in claim 7.

As stated above, the motivation or suggestion may also be provided by knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. However, the *Ito et al.* reference discloses the U-shaped end portion 151 as being the bottom portion of a glove box door 51. (*Ito et al.*, col. 3, lines 55-66, Figure 6). As a result of its location the U-shaped end portion 151 is not visible to a vehicle occupant during operation of the motor vehicle. Thus, there is no general suggestion that the U-shaped end portion 151 in *Ito et al.* should be covered for aesthetic reasons. Therefore, there is no suggestion or motivation to modify the disclosure as recited in claim 7.

Therefore, *Ito et al.* fails to inherently disclose the elements of claim 7, and it is not obvious to modify *Ito et al.* as recited in claim 7.

Claims 8-11 depend indirectly from claim 7. Therefore, Applicants respectfully assert that claims 8-11 are allowable for the reasons discussed above.

With respect to Claims 12 and 13, the Examiner states that these claims serve as product-by-process claims. A product-by-process claim is a product claim that defines the claimed product in terms of the process by which it is made. MPEP § 2173.05(p). Claims 12 and 13 recite that the sheet of soft material is a laminate with a layer of foam between two flexible webs. Applicants assert that this language is a structural description, and is therefore not a product-by-process claim. Additionally, *Ito et al.* fails to disclose a pair of flexible webs on either side of the foam layer 162. Therefore, *Ito et al.* fails to anticipate claims 12 and 13, and these claims are allowable.

The Examiner rejected claim 14 in view of *Ito et al.* Claim 14 recites a soft-feel section including a sheet of soft material coupled with at least one flexible web. The Examiner failed to address this element of claim 14. However, Applicants

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respectfully assert that *Ito et al.* fails to disclose at least one flexible web as recited in claim 14.

Also with respect to claim 14, the Examiner stated that *Ito et al.* inherently discloses that the outer surface of the foam layer 162 is compressed by the U-shaped end section 151. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill". MPEP § 2112; *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). The Examiner fails to describe where it is necessarily present in *Ito et al.* that the foam layer 162 is compressed by the rim 151. Figures 7 and 10 explicitly show that the outer surface of the foam layer 162 is not compressed by the U-shaped end portion 151. Therefore, Applicants respectfully assert that claim 14 is not inherently disclosed by *Ito et al.*

The Examiner also states that it would be an obvious optimization to one of ordinary skill in the art to compress the soft feel section with U-shaped end portion 151. However, the Examiner offers no suggestion or motivation to modify the *Ito et al.* reference as claimed in claim 14. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. *Ito et al.* does not provide any motivation or suggestion to compress the U-shaped end portion 151 with a soft feel surface. Rather, *Ito et al.* merely states that the gap 154 is substantially filled, so that the surface layer 161 of the sheet 61 is held in intimate contact with the inner surface of the U-shaped portion of the substrate. (*Ito et al.* col 5, lines 5-10). Therefore, *Ito et al.* fails to provide a suggestion or motivation to modify the disclosure as recited in claim 14.

As stated above, the motivation or suggestion may also be provided by knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. However, the *Ito et al.* reference discloses the U-shaped end portion 151 as being the bottom portion of a glove box door 51. (*Ito et al.*, col. 3, lines 55-66, Figure 6). As a result of its location the U-shaped end portion 151 is not visible to a vehicle occupant

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during operation of the motor vehicle. Thus, there is no general suggestion that the U-shaped end portion 151 in *Ito et al.* should be covered for aesthetic reasons. Therefore, there is no suggestion or motivation to modify the disclosure as recited in claim 14.

Therefore, *Ito et al.* fails to inherently disclose the elements of claim 14, and it is not obvious to modify *Ito et al.* as recited in claim 14.

With respect to Claim 15, the Examiner states that this claim serves as product-by-process claim. A product-by-process claim is a product claim that defines the claimed product in terms of the process by which it is made. MPEP § 2173.05(p). Claim 15 recites that the at least one flexible web includes a first flexible web coupled with a first surface of the soft material and a second flexible web coupled with a second surface of the soft material. Applicants assert that this language is a structural description, and is therefore not a product-by-process claim. Additionally, *Ito et al.* fails to disclose a pair of flexible webs on either side of the foam layer 162. Therefore, *Ito et al.* fails to anticipate claim 15, and this claim is allowable.

Claims 16 and 17 depend indirectly from claim 14. Therefore, Applicants respectfully assert that claims 16 and 17 are allowable for the reasons discussed above.

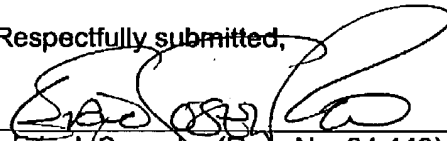
Conclusion

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Therefore, Applicants request that the Examiner grant early allowance of these claims. The Examiner is invited to contact

the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

5/10/04
Date

Respectfully submitted,


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Attachments: One (1) Unexecuted Oath/Declaration